

**REMARKS**

In the Decision on Appeal dated August 13, 2009, the Board of Patent Appeals and Interferences affirmed the Examiner's rejections of claims 1-8 and 10-22 as being unpatentable over the cited prior art under 35 U.S.C. § 103(a). However, in the Decision, the Board confirmed that claim 9, as pending, stands objected to as being dependent upon a rejected base claim (Decision – pg. 3, citing the Examiner's Answer at pg. 2).

By way of the present amendment, claims 9 and 12-15 have been canceled without prejudice or disclaimer, and claims 1, 3-8, 10, 11, and 16-18 have been amended to improve form. More specifically, independent claims 1, 8, and 16 have been amended to include subject matter similar to subject matter previously recited in claim 9, and deemed allowable by the Examiner at pg. 2 of the Examiner's Answer dated September 20, 2007.

For example, claim 1 has been amended to recite a method of validating a user for a transaction to be effectuated by using a transaction card, including configuring a profile for said user, said profile including a plurality of biometric samples and a plurality of Dual Tone Multi Frequency (DTMF) sample responses received from the user, the plurality of biometric samples and the plurality of DTMF sample responses corresponding to a plurality of questions; associating said profile with an indicium assigned to said transaction card; interrogating said user when said transaction is attempted by said user, wherein said interrogation includes querying said user for a biometric response associated with a randomly selected one of said plurality of questions and a DTMF response associated with another randomly selected one of said plurality of questions; monitoring said biometric and DTMF responses generated with respect to said user in response to the interrogation; determining if said biometric response matches a biometric sample in said biometric profile corresponding to the randomly selected

one of said plurality of questions; determining if said DTMF response matches a DTMF sample in said profile corresponding to the another randomly selected one of said plurality of questions; and if said biometric response matches the biometric sample and said DTMF response matches the DTMF sample, approving said user for said transaction.

Amended claim 8 recites a method of validating a user for a call to be effectuated over a Public Switched Telephone Network (PSTN) using a calling card, including configuring a personalized profile for said user, said personalized profile including a plurality of voice samples elicited from said user in response to a plurality of personalized questions directed to said user; populating at least a portion of said personalized profile with a plurality of Dual Tone Multi Frequency (DTMF) sample responses elicited from said user in said configuration step; associating said personalized profile with an indicium assigned to said calling card; determining if a voice verification is needed with respect to said user when said call is attempted by said user; if so, querying said user for a voice response to a question that is randomly selected from said plurality of personalized questions; prompting said user to input a DTMF response in response to said question that is randomly selected from said plurality of personalized questions; verifying if said voice response matches a corresponding voice sample in said ~~voice~~ personalized profile; verifying whether said DTMF response matches a corresponding DTMF sample response in said personalized profile; if said voice response matches the corresponding voice sample and said DTMF response matches the corresponding DTMF sample response, approving said user for said call involving said calling card; and denying access to said user for said call if said voice response does not match the corresponding voice sample and said DTMF response does not match the corresponding DTMF sample response in said personalized profile.

Amended claim 16 recites an access control system for use with a transaction-card-based scheme, said system including a network operable with a terminal, said terminal for interacting with a user in association with a transaction card; a controller disposed in the network to query said user when said user attempts a transaction using said transaction card; a server disposed in the network, said server responding to messages from said controller with respect to querying said user; and a profile database coupled to said server, said profile database having a plurality of biometric samples and a plurality of Dual Tone Multi Frequency (DTMF) samples associated with said user, wherein said plurality of biometric samples and said DTMF samples relate to a plurality of questions, and wherein said biometric samples and said DTMF samples are associated with an indicium assigned to said transaction card such that when said user attempts said transaction, said controller queries said user for responses relating to a randomly selected one of the biometric samples and a randomly selected one of the DTMF samples and, if said response does not match corresponding entries in said profile database, access is denied to said user for said transaction.

For at least these reasons, claims 1, 8, and 16 are believed to be allowable over the prior art of record. Claims 2-7, 10, 11, and 17-22 depend from one of amended claim 1, 8, and 16 and are therefore believed to be allowable over the prior art of record for at least the reasons that amended claims 1, 8, and 16 are allowable. Accordingly, reconsideration and withdrawal of the pending rejections of claims 1-8, 10, 11, and 16-22 are respectfully requested.

**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests withdrawal of the outstanding rejections and the timely allowance of this application. As Applicant's remarks with respect to the Examiner's rejections (and the Board's affirmation of

these rejections) are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Examiner's Answer (or the Board in the Decision on Appeal) or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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Respectfully submitted,

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